

a certain population to employ dairying specialists; providing payment and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. The Commissioners' Court of counties having not less than 72,900, and not more than 73,000 at the last regular Federal census in 1920, shall be empowered to employ dairying specialists at a total salary not to exceed \$7,000.00 annually, said money to be paid out of the funds of said county.

Sec. 2. The fact that certain counties find it necessary and expedient to encourage in every way possible the dairying industry creates an emergency and an imperative public necessity requiring bills to be read on three several days be suspended, and said rule is suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

NINTH DAY.

Senate Chamber,
Austin, Texas,
Monday, May 6, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Patton.
DeBerry.	Pollard.
Gainer.	Russek.
Greer.	Small.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
McFarlane.	Witt.
Miller.	Woodul.
Moore.	Woodward.

Absent.

Cousins.

Absent—Excused.

Martin. Parr.

Prayer by the Chaplain.

Pending the reading of the Jour-

nal of yesterday, the same was dispensed with on motion of Senator Woodward.

Petitions and Memorials.

(See Appendix)

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Love:

S. B. No. 71, A bill to be entitled "An Act to amend Art. 5221 of the Revised Civil Statutes of 1925 as amended by Chapter 153 of the General and Special Laws of the Regular Session of the Forty-first Legislature relating to pensions; etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Woodward:

S. B. No. 72, A bill to be entitled "An Act amending Art. 7471 of the Revised Civil Statutes of Texas of 1925 so as to provide that in the appropriation of public waters as defined in Article 7467 of the Revised Civil Statutes of 1925, all rights conferred by * * * etc., and declaring an emergency."

The bill was read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator McFarlane:

S. B. No. 73, A bill to be entitled "An Act making provision for the purchase and installment by the Board of Prison Commissioners of the machinery and equipment for the manufacture of motor vehicle number plates, seals and road signs and markers of all kinds, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Penitentiaries.

By Senators Williamson, Hornsby, Beck and Patton.

S. B. No. 74, A bill to be entitled "An Act relating to the practice of barbering, etc.; providing that this Act shall become effective and be in force on and after the first day of September 1929."

The bill was read first time and referred to Committee on State Affairs.

By Senators Love and Neal:

S. B. No. 75, A bill to be entitled "An Act to safeguard the public in the purchase of pure bred agricultural seeds, true to name, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Agriculture.

By Senator Hornsby:

S. B. No. 76, A bill to be entitled "An Act to provide for the assessment and collection of taxes by independent school districts; declaring an emergency and repealing any and all laws in conflict therewith."

The bill was read first time and referred to Committee on Educational Affairs.

By Senator Hornsby:

S. B. No. 77, A bill to be entitled "An Act to amend Chapter 236, General and Special Laws of the Fortieth Legislature, which amended Art. 1021 of Chapter 2, Title 15, of the code of criminal procedure, Revised Criminal Statutes of Texas, so as to provide for the payment of \$20.00 per day for each day district attorneys in certain districts attend any session of the district courts in their respective districts, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Civil Jurisprudence.

By Senators Moore, Hardin, Wirtz, and Beck:

S. B. No. 78, A bill to be entitled "An Act regulating the practice of medicine, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Public Health.

By Senators Moore, Hardin, Wirtz and Beck:

S. B. No. 79, A bill to be entitled "An Act further regulating the practice of medicine within this State, etc., and declaring an emergency."

Read and referred to Committee on Public Health.

By Senator Hornsby:

S. B. No. 80, A bill to be entitled "An Act to amend Sections 1, 4, 8, 14, and 15 of H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth

Legislature, 1927, and adding a new section, Section 11a, thereto, so as to more accurately define the term "Motor Bus Company" and better define the jurisdiction of the Railroad Commission of Texas in the regulation of motor bus transportation, etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Affairs.

By Senator Small and 29 other Senators:

S. B. No. 81, A bill to be entitled "An Act making an appropriation to compensate John W. Hornsby for legal services, etc., and declaring an emergency."

The bill was read first time and referred to Committee on Finance.

By Senators Russek and Holbrook:

S. B. No. 82, A bill to be entitled "An Act creating and defining by metes and bounds, Road District No. 3 of Colorado County, Texas, etc., and declaring an emergency."

The bill was read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Miller:

S. B. No. 83, A bill to be entitled "An Act legalizing the Acts of the County School Trustees of Jack and Young Counties, Texas, creating the Bryson Rural high school district in Jack and Young Counties, Texas, and declaring an emergency."

The bill was read first time and referred to Committee on Educational Affairs.

Senators Excused.

On motion of Senator Miller, Senator Martin was excused for the day on account of sickness in his family.

On motion of Senator Wirtz, Senator Cousins was excused for the day on account of important business.

On motion of Senator Parrish, Senator Parr was excused for the day on account of important business.

On motion of Senator Hardin, Senator Patton was excused for the day on account of important business.

S. C. R. No. 3.

Senator Neal moved that S. C. R.

No. 3, which was pending business, be laid on the table subject to call. The motion prevailed.

Senate Bill No. 31.

The Chair laid before the Senate on second reading the following bill:
By Senator Parr:

S. B. No. 31, A bill to be entitled "An Act to correct the official spelling of the County of Zavalla, Texas."

On motion of Senator Wirtz, the bill was laid on the table subject to call.

Senate Bill No. 39.

The Chair laid before the Senate on second reading the following bill:
By Senator McFarlane:

S. B. No. 39, A bill to be entitled "An Act providing for the regulation and protection of, catching and taking fish in Young County; etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 39 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

The bill was read third time and finally passed by the following vote:

Yeas—28.

Beck.	Gainer.
Berkeley.	Greer.
Cunningham.	Hardin.
DeBerry.	Holbrook.

Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
McFarlane.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Neal.	Witt.
Parrish.	Woodul.
Pollard.	Woodward.
Russek.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Senate Bill No. 45.

The Chair laid before the Senate on second reading the following bill:
By Senators Woodul, Stevenson, Holbrook and Parr.

S. B. No. 45, A bill to be entitled "An Act conveying to the United States of America an easement for the construction of the intra-coastal waterways over certain State owned lands in Chambers and Galveston Counties; etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Woodul, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 45 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Neal.
Cousins.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Berkeley.	Parr.
Martin.	Patton.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Senate Bill No. 54.

The Chair laid before the Senate on second reading the following bill:

By Senator Cousins:

S. B. No. 54, A bill to be entitled "An Act amending Section 9 of Chapter 9 of the General and Special Laws of the Regular Session of the Forty-first Legislature, relating to criminal district attorneys and assistants in certain counties and other matters incidental to said subject, so as to provide that said Chapter 9 shall not apply to any county in this State having two or more incorporated cities each having a population of more than 20,000 according to the latest United States census; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Wirtz, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 54 was put on its third reading and final passage, by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Read third time and finally passed by the following vote:

Yeas—28.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Senate Bill No. 5.

The Chair laid before the Senate on second reading the following bill:

By Senator Moore:

S. B. No. 5, A bill to be entitled "An Act amending Article 198, Title 8, of the Revised Civil Statutes of 1925 as amended by Chapter 255 of the General and Special Laws of the Regular Session of the 40th Legislature so as to create the 12th Supreme Judicial District of Texas, etc., and declaring an emergency."

Read second time.

Senators Witt sent up the following amendment:

Amend S. B. No. 5 by taking the Counties of McLain and Bell from the 3rd District and inserting them in the 10th District; and by taking Hood from the 10th District and inserting it in the 11th District.

By WITT.

Read and adopted by the following vote:

Yeas—20.

Berkeley.	Love.
Cunningham.	McFarlane.
DeBerry.	Moore.
Gainer.	Neal.
Holbrook.	Parrish.
Hornsby.	Russek.
Hyer.	Small.

Stevenson.	Williamson.
Thomason.	Wirtz.
Westbrook.	Witt.

Nays—3.

Miller.	Woodward.
Woodul.	

Absent.

Beck.	Hardin.
Greer.	Pollard.

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

The bill as amended passed to engrossment by the following vote:

Yeas—15.

Berkeley.	Parrish.
Gainer.	Russek.
Holbrook.	Stevenson.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
Moore.	Woodul.
Neal.	

Nays—7.

Cunningham.	Pollard.
DeBerry.	Small.
McFarlane.	Woodward.
Miller.	

Absent.

Beck.	Thomason.
Greer.	Williamson.
Hardin.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Senate Bill No. 9.

The Chair laid before the Senate on second reading the following bill:

By Senator Witt:

S. B. No. 9, A bill to be entitled "An Act validating the sale of real estate by Executors and Administrators when citation was published as provided in Chapter 179, Acts, Regular Session, 1917, being now Article 28, of the Revised Civil Statutes of Texas, 1925, etc., and declaring an emergency."

The bill was read second time.

The Committee substitute was adopted.

The bill as substituted passed to engrossment.

On motion of Senator Witt the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 9 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

S. C. R. No. 4.

Senator Wirtz sent up the following resolution:

WHEREAS, it has been the custom of past Legislatures to provide representatives of newspapers and news services, in attendance upon the sessions, with bound copies of the Legislative Manual, with their names embossed upon the covers,

AND WHEREAS House Concurrent Resolution No. 11, passed during the regular session of the 41st

Legislature, omitted this provision, but only set forth that the correspondents should be given paper back copies of the manual.

AND WHEREAS the Newspaper and news service representatives are entitled to this small consideration from the members of the Legislature, in keeping with an old custom,

THEREFORE BE IT RESOLVED That each and every accredited representative of a newspaper or news service who was in attendance upon the regular session of the 41st Legislature, be supplied with a copy of the Legislative Manual of the 41st Legislature, bound in flexible morocco, with the correspondent's name embossed upon the cover, and that the expense of supplying these manuals be paid from the contingent fund.

Wirtz, Stevenson, Miller, Hornsby, Parrish, Love, Witt, Berkeley, McFarlane, Westbrook, Tom DeBerry, Thomason, Woodul, Cunningham, Martin, Moore, Small, Cousins, Neal, Holbrook, Hyer.

Read and adopted.

Senate Bill No. 11.

The Chair laid before the Senate on second reading the following bill:

By Senator Small:

S. B. No. 11, A bill to be entitled "An Act fixing the compensation of District Attorneys in districts of three or more counties and prescribing how the same shall be paid; and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 11 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Wirtz.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Messages From the House.

The Chair recognized the Door-keeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, May 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 2, A bill to be entitled "An Act providing for the transportation of pupils to and from school, and declaring an emergency."

H. B. No. 31, A bill to be entitled "An Act to amend Article 2781, Revised Statutes, 1925, relating to term of contract; of superintendents, principals, teachers or other executive officers in independent school districts; repealing Article 2782, Revised Statutes, 1925, which exempts the cities of Dallas and Fort Worth; repealing all laws in conflict herewith, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 6, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: I am directed by the House
to inform the Senate that the House
has passed the following bill:

H. B. No. 28, A bill to be entitled
"An Act providing for the concentra-
tion of the Texas Prison system; in-
creasing the duties, powers and func-
tions of the Texas Prison Board; pro-
viding for the construction and build-
ing of buildings and walls and the
location of a new penitentiary; pro-
viding for the removal of prisoners;
providing for the purchase and sale
of land and the sale and manner
thereof of property now controlled
and used by the prison system; pro-
viding for purchase and sale of prod-
ucts by said system and also by the
Board of Control for other State in-
stitutions and purposes; making an
appropriation, and declaring an
emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Simple Resolution No. 11.

Senator Parrish sent up the fol-
lowing resolution:

Whereas, The State officials in-
cluding the President and the State
Executive Committee of the Farmers
Union of the State of Texas are in
session in the City of Austin at this
time, and a number of the representa-
tives are now present in the Senate
Chamber, including the president,
Mr. J. D. Henderson of Knox County,
Texas; therefore, be it

Resolved by the Senate of the
State of Texas, That Mr. J. D. Hen-
derson, the president of the Farmers
Union of the State of Texas, be in-
vited to address the Senate at this
time.

PARRISH.
McFARLANE.
CUNNINGHAM.
HARDIN.

The resolution was read and
adopted.

The Chair appointed Senators
Parrish, Cunningham and William-
son to conduct Mr. Henderson to the
platform.

Mr. Henderson Speaks.

The Chair introduced Mr. Hender-
son, who briefly addressed the Sen-
ate.

House Bills Referred.

H. B. No. 2, referred to Commit-
tee on Educational Affairs.

H. B. No. 31, referred to Commit-
tee on Educational Affairs.

H. B. No. 28, referred to Commit-
tee on Penitentiaries.

Senate Bill No. 16.

The Chair laid before the Senate,
on its second reading, the following
bill:

By Senator Witt:

S. B. No. 16, A bill to be entitled
"An Act to amend Article 5053, Re-
vised Statutes 1925, relating to dis-
crimination and other practices in
connection with the sale of life in-
surance policies so as to better reg-
ulate the sale of stock, bonds and
other securities in connection with
life insurance policies, and declaring
an emergency."

The committee report was adopted.

The bill was read second time and
passed to engrossment.

On motion of Senator Witt, the
constitutional rule requiring bills to
be read on three several days was
suspended and S. B. No. 16 was put
on its third reading and final pas-
sage, by the following vote:

Yeas—27.

Beck.	Neal
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Read third time and finally passed
by the following vote:

Yeas—27.

Beck.	Gainer.
Berkeley.	Greer.
Cunningham.	Hardin.
DeBerry.	Holbrook.

Hornsby.	Small.
Hyer.	Stevenson.
Love.	Thomason.
McFarlane.	Westbrook.
Miller.	Williamson.
Moore.	Wirtz.
Neal.	Witt.
Parrish.	Woodul.
Pollard.	Woodward.
Russek.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Senate Bill No. 34.

The Chair laid before the Senate, on its second reading, the following bill:

By Senator Berkeley:

S. B. No. 34, A bill to be entitled "An Act ratifying the Rio Grande Compact between the States of Colorado, New Mexico and Texas, concerning the division of the waters of the Rio Grande above Fort Quitman, etc., and declaring an emergency."

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Berkeley, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 34 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Read third time and finally passed by the following vote:

Yeas—27.

Beck.	Cunningham.
Berkeley.	DeBerry.

Gainer.	Pollard.
Greer.	Russek.
Hardin.	Small.
Holbrook.	Stevenson.
Hornsby.	Thomason.
Hyer.	Westbrook.
Love.	Williamson.
McFarlane.	Wirtz.
Miller.	Witt.
Moore.	Woodul.
Neal.	Woodward.
Parrish.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Senate Bill No. 36.

The Chair laid before the Senate, on its second reading, the following bill:

By Senators Moore and Love:

S. B. No. 36, A bill to be entitled "An Act to regulate the business in insurance on what is known as the Lloyd's plan, amending all of Chapter 19, Title 78, Revised Statutes of Texas; and declaring an emergency."

On motion of Senator Moore the bill was laid on the table subject to call.

Senate Bill No. 37.

The Chair laid before the Senate, on its second reading, the following bill:

By Senators Moore and Love:

S. B. No. 37, A bill to be entitled "An Act to provide for the organization, incorporation or admission and the regulation and taxation of mutual insurance companies, etc., and declaring an emergency."

The bill was read second time.

Senator Westbrook moved to lay the bill on the table, subject to call.

Senator Witt moved to table the motion. The motion prevailed.

The committee report, carrying amendments, was adopted.

Senator Moore sent up the following amendment:

Amend S. B. No. 37, as printed in the Senate Journal of May 2nd, by inserting in Section 10, after the word "policy," at the end of line 12 on page 68 of the Journal, the following words, "Providing that the holder of any such policy"

MOORE.

The amendment was read and adopted.

The bill, as amended, passed to engrossment.

On motion of Senator Love, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 37 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Read third time and finally passed by the following vote:

Yeas—21.

Berkeley.	Miller.
Cunningham.	Moore.
DeBerry.	Neal.
Gainer.	Parrish.
Hardin.	Pollard.
Holbrook.	Russek.
Hornsby.	Stevenson.
Hyer.	Thomason.
Love.	Williamson.
McFarlane.	Witt.

Nays—2.

Greer.	Westbrook.
	Present—Not Voting.

Beck.	Wirtz.
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Absent.

Small.	Woodward.
Woodul.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Senate Bill No. 40.

The Chair laid before the Senate on second reading the following bill:
By Senator Westbrook:

S. B. No. 40, A bill to be entitled "An Act amending Art. 6640 of the Revised Civil Statutes of 1925 requiring lis pendens notices to be filed upon the filing of any suit or action involving the title to real estate or seeking to establish any interest or right therein or to enforce any lien, charge or encumbrance against the same, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 40 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Senate Bill No. 44.

The Chair laid before the Senate on second reading the following bill:
By Senator Small:

S. B. No. 44, A bill to be entitled "An Act renewing and extending oil and gas permits Numbers 8852, 8854, and 8859, issued by the Commissioner of the General Land Office of the State of Texas, on the 16th day of October, 1924, covering University lands in Pecos County, Texas, etc., and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Small, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 44 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Williamson.
Hornsby.	Westbrook.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Senate Bill No. 46.

The Chair laid before the Senate on second reading the following bill:
By Senator McFarlane:

S. B. No. 46, A bill to be entitled "An Act changing the statutes so as to eliminate the provision requiring county depositories located away from the county seat to provide a place at the county seat at which county checks may be cashed; amending Article 2552 and repealing Article 2553 of the Revised Civil Statutes of 1925; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 46 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Senate Bill No. 66.

Senator McFarlane received unanimous consent to take up the following bill:

By Senator McFarlane:

S. B. No. 66, A bill to be entitled "An Act permitting counties having a certain population to employ dairying specialists; providing payment and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator McFarlane the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 66 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Message from the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, May 6, 1929.

To the Members of the Forty-first Legislature:

At the request of members of the Legislature, the attached bills are submitted for your consideration. They are:

(1) A bill to validate certain acts of the County School Trustees of Jack and Young Counties.

(2) A bill defining by metes and bounds Road District No. 3 of Colorado County.

(3) A bill prohibiting the sale of fresh water fish in Cass, Bowie, Morris and Titus Counties.

(4) A local road law for Hopkins County.

(5) A bill authorizing cities and towns having a population of more than twenty-five hundred to acquire sites for airports.

(6) A law authorizing the issuance of interim bonds by water districts.

(7) A bill prohibiting discrimination in the sale of commodities.

(8) A bill prescribing the manner of selection of juries in civil cases in certain counties.

(9) A bill accepting the provisions and benefits of an Act of Congress providing for the promotion of vocational rehabilitation.

(10) A bill to correct defects in H. B. No. 50, Chapter 270, Acts of the Regular Session of the Fortieth Legislature.

(11) A bill amending Article 1571 of the Code of Criminal Procedure and Article 5172 of the Revised Civil Statutes.

In addition to the above the following subjects are submitted for your consideration.

(a) The amendment of Chapter 2 of Title 128, dealing with water improvement districts.

(b) The amendment of Title 19, Revised Civil Statutes.

(c) The amendment of Chapter

285, page 624, General Acts of the Forty-first Legislature.

(d) The investigation and disposition of claims now pending against the State of Texas.

Respectfully submitted,
DAN MOODY, Governor.

Senate Bill No. 62.

Senator Miller received unanimous consent to take up the following bill:

By Senator Miller:

S. B. No. 62, A bill to be entitled "An Act authorizing the Board of Regents of the College of Industrial Arts, to make contracts for the erection of dormitories; etc., and declaring an emergency."

The rule requiring committee reports to lie over one day was suspended by unanimous consent.

The committee report was adopted.

The bill was read second time and passed to engrossment.

On motion of Senator Miller, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 62 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Wirtz.
Love.	Witt.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

The bill was read third time and finally passed by the following vote:

yeas—27.

Beck.	Holbrook.
Berkeley.	Hornsby.
Cunningham.	Hyer.
DeBerry.	Love.
Gainer.	McFarlane.
Greer.	Miller.
Hardin.	Moore.

Neal.	Westbrook.
Parrish.	Williamson.
Pollard.	Wirtz.
Russek.	Witt.
Small.	Woodul.
Stevenson.	Woodward.
Thomason.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Senate Bill No. 57.

Senator Westbrook received unanimous consent to take up the following bill:

By Senator Westbrook:

S. B. No. 57, A bill to be entitled "An Act amending Art. 2889a, relating to school teachers and teacher's certificates, so as to better provide for and regulate teacher's certificates; and declaring an emergency."

The bill was read second time and passed to engrossment.

On motion of Senator Westbrook, the constitutional rule requiring bills to be read on three several days was suspended and S. B. No. 57 was put on its third reading and final passage, by the following vote:

Yeas—27.

Beck.	Neal.
Berkeley.	Parrish.
Cunningham.	Pollard.
DeBerry.	Russek.
Gainer.	Small.
Greer.	Stevenson.
Hardin.	Thomason.
Holbrook.	Westbrook.
Hornsby.	Williamson.
Hyer.	Witt.
Love.	Wood.
McFarlane.	Woodul.
Miller.	Woodward.
Moore.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

The bill was read third time and finally passed by the following vote:

Yeas—27.

Beck.	Hardin.
Berkeley.	Holbrook.
Cunningham.	Hornsby.
DeBerry.	Hyer.
Gainer.	Love.
Greer.	McFarlane.

Miller.	Thomason.
Moore.	Westbrook.
Neal.	Williamson.
Parrish.	Wirtz.
Pollard.	Witt.
Russek.	Woodul.
Small.	Woodward.
Stevenson.	

Absent—Excused.

Cousins.	Parr.
Martin.	Patton.

Executive Session Set.

On motion of Senator Williamson, the Senate voted to go into executive session at 11:00 o'clock Wednesday morning.

Adjournment.

On motion of Senator McFarlane, the Senate, at 12:15 o'clock p. m., adjourned until 10:00 o'clock Wednesday morning.

APPENDIX.

Petitions and Memorials.

The White House
Washington, May 2, 1929.
Hon. Bob Barker,
Secretary of the Senate,
State of Texas,
Austin, Texas.

My Dear Mr. Secretary:

I have been glad to place before the President your letter of April 29th and he wishes me to thank you for your kindness in sending him the copy of Senate Concurrent Resolution No. 31 adopted by the Legislature of Texas. He is indeed most appreciative of the invitation extended to him to come to El Paso during the annual convention of the West Texas Chamber of Commerce. He finds, however, that because of the extreme pressure of his official duties incident to the session of Congress it will not be possible for him to visit Texas just now.

Will you not be good enough to convey the President's warm thanks to the members of the Legislature of Texas for their generous thought of him?

Sincerely yours,
GEORGE AKERSON,
Secretary to the President.

Committee Reports.

Committee Room.

Austin, Texas, May 6, 1929.

Hon. Barry Miller, President of the Senate.

We, your Committee on Finance, to whom was referred,

S. B. No. 62, A bill to be entitled "An Act authorizing the Board of Regents of the College of Industrial Arts to make contracts for the erection of dormitories; to purchase, sell, lease or encumber lands and other appurtenances for dormitories; to make contracts for the collection and disposition of the revenues derived from such dormitories; to issue obligations under the limitations herein prescribed and to pledge the rents, revenues and income from the operation of such dormitories for the re-payment of said obligations and providing that the State Board of Education shall be authorized and empowered to invest the permanent public free school funds of the State in said obligations in addition to those named in Article 2669 as amended by an Act of the Regular Session of the Forty-first Legislature in the manner and under the rules and regulations prescribed in Article 2669, 2670, 2671, 2672, and 2673, of Chapter 10, Title 49, of the Revised Civil Statutes of the State of Texas of 1925 as amended; providing for the control and management of said dormitories and declaring an emergency."

Have had the same under consideration, and I am instructed to report back to the Senate with the recommendation that it do pass, and be not printed.

POLLARD, Chairman.

Committee Room,

Austin, Texas.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred,

S. B. No. 6, A bill to be entitled "An Act to amend Article 2963 Article 2965 and Article 2968 of the Revised Civil Statutes of Texas, relating to the mailing of poll tax receipts to certain persons and providing for the mailing of poll tax receipts to property tax payers subject thereto; and providing that the poll tax receipts for persons who are not citizens of the United States shall

be marked "Not entitled to vote," and declaring an emergency."

Have had the same under consideration and I am instructed to report the same back to the Senate with the recommendation that it do pass and be printed in the Journal.

WOODWARD, Chairman.

By Love,

S. B. No. 6.

A BILL

To Be Entitled

An Act to amend Article 2963, Article 2965 and Article 2968 of the Revised Civil Statutes of Texas relating to the mailing of poll tax receipts to certain persons, and providing for the mailing of poll tax receipts to property tax payers subject thereto; and providing that the poll tax receipts for persons who are not citizens of the United States shall be marked "Not entitled to vote," and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2963, Chapter 5, Title 50 of the Revised Statutes of 1925 be amended so as to hereafter read as follows:

Article 2963. When in cases permitted by this Title, the tax is paid by an agent, the tax receipt shall not be delivered to such agent, but shall be sent by mail to the tax payer or kept and delivered to him in person by the tax collector. When a property tax-payer residing either within or without a city of ten thousand inhabitants or more, has a poll tax assessed against him or his wife or both, he may, at the same time that he pays his property tax by bank check or money order, also pay the poll tax of himself and wife, or either, and in the same way, and it shall be the duty of the tax collector in such cases, to mail such poll tax receipts, together with the property tax receipt to such property tax payer. Exemption certificates shall be mailed in like manner, with the property tax receipt upon the payment of property taxes.

All tax receipts issued for any year after January 31st shall be stamped on the face thereof; "Holder not entitled to vote," and the names of the holders of such poll tax receipts shall not be included in the list of qualified voters.

Sec. 2. Article 2965 of the Revised Civil Statutes of Texas, be and

the same is hereby amended so as to read as follows:

Article 2965. Each poll tax receipt and its duplicate shall show the name of the party for whom it was issued, the payment of the tax, the age and race of the tax payer, and length of time the tax payer has resided in the State and whether the tax payer is a citizen of the United States, and if so, whether a native born or naturalized citizen of the United States, and the State of the United States, or the foreign country where the tax payer was born, the length of time the tax payer has resided in the county, the voting precinct in which the tax payer lives, except when in an unorganized county, the tax payers' occupation and postoffice address, or if living in an incorporated city, the ward, street and number of residence in such city or town. The poll tax receipt shall be in the following form, and numbered consecutively in each book provided for in this title:

Poll Tax Receipt No. _____
State of Texas, County of _____
Received of _____ on the _____
day of _____ A. D. _____ the
sum of _____ dollars in payment
of poll tax for the year A. D. 19____.

The said tax-payer, being duly sworn by me, says that s____ he is _____ old, that he resides in voting precinct No. _____ in _____ County, that h____ race is _____ s____ he is a (native born)

(Naturalized) citizen of the United States and was born in _____, that he has resided in Texas _____ years, and in _____ County _____ years, that s____ he is by occupation _____ and that his (her) post office address is _____ (if in an incorporated city or town, a blank must be provided for the ward, street and number of residence in lieu of his (her) post office address, and length of time he has resided in such city or town.) all of which I certify.

(Signed) _____

(Seal)

Unless the tax payer shall make oath, either personally or through an authorized agent, that he is either a native born or a naturalized citizen of the United States, the Tax Collector shall either write or stamp across the face of his poll tax receipt the words: "Not entitled to vote."

Sec. 3. That Article 2968 of the

Revised Civil Statutes of Texas, be and the same is hereby amended so as to hereafter read as follows:

Article 2968. Every person who is exempted by law from the payment of a poll tax and who is in other respects a qualified voter, who resides in a city of ten thousand inhabitants or more, shall after the first day of October and before the first day of February following, before he offers to vote, obtain from the tax collector of the county of his residence, a certificate showing such person's exemption from the payment of a poll tax. Such exempt person shall, on oath, state his or her name, county of residence, occupation, race, age, and that he is a citizen of the United States and whether a native born or naturalized citizen, and the State of the United States or the foreign country in which such person was born, the length of time of residence in Texas, county, and the length of time he had resided in the city and the ward and voting precinct in which the residence of such person is located, and the street and number of residence, if numbered; such person shall also state the grounds on which exemption is claimed from the payment of a poll tax. Such certificate shall be detached from said book, leaving thereunder a duplicate carbon or other copy thereof which shall contain the same description; and the original shall be delivered, bearing its proper number, to the citizen in person to identify him in voting. Certificates of exemption for each precinct shall be numbered consecutively beginning at one. They shall be the following form:

"Certificate of Exemption
from Poll Tax."

State of Texas, County of _____

No. _____, I, _____

Tax Collector for said County, Texas do hereby certify that _____

personally appeared before me on the _____ day of _____ A. D. 19____

and being sworn, said his name is _____ That he is a (native born)

(naturalized) citizen of the United States and was born in _____

That his race is _____ That he is _____ years old, that his occupation is _____

That he has resided in Texas for _____ years; in the county of _____ for _____ years

and that he now resides in precinct _____

No. _____ in Ward No. _____ (if numbered); that he is exempt from the payment of a poll tax by reason of _____ and that he is a qualified voter under the Constitution and laws of Texas.
(Seal) Signed) _____

Tax Collector, _____

County, Texas.

No certificate of exemption shall in any event be issued to any voter who is not either a native born or a naturalized citizen of the United States.

Sec. 4. The importance of this Act, and the crowded condition of the calendar creates an emergency and a public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 6, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 47, A bill to be entitled "An Act vesting the right of eminent domain in the Board of Managers of the North Texas Junior Agricultural, Mechanical and Industrial College; and declaring an emergency."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODWARD, Chairman.

By Hyer, Hardin.

S. B. No. 47.

A BILL

To Be Entitled

An Act vesting the right of eminent domain in the Board of Managers of the North Texas Junior Agricultural, Mechanical and Industrial College; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Board of Managers of the North Texas Junior Agricultural, Mechanical and Industrial College is hereby vested with the power of eminent domain to acquire for the use of said college such lands as may be necessary or proper for carrying out its purpose.

Sec. 2. The fact that the right of

eminent domain is not now vested in the Board of Managers of the North Texas Junior Agricultural, Mechanical and Industrial College, and that said right is necessary for the immediate acquisition of land by said college, creates an emergency and an imperative public necessity that the constitutional rule requiring that bills be read on three several days in each House be suspended, and the same is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 51, A bill to be entitled "An Act to amend Article 2024 of the Revised Civil Statutes of 1925, relating to and providing for service of process by a constable in suits in which the sheriff is a party to, or interested in, said suit, so as to authorize the judge of the court in which any cause is pending to direct the sheriff of some adjoining county to serve any process or writ issued out of such court when it is made to appear that there is likewise no qualified and acting constable in any justice precinct of the county in which such process or writ is to be executed, or each qualified and acting constable in said county is likewise a party to, or interested in said suit."

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass, and be printed in the Journal.

WOODWARD, Chairman.

Ey Wirtz.

S. B. No. 51.

A BILL To Be Entitled.

An Act to amend Article 2024 of the Revised Civil Statutes of 1925, relating to and providing for service of process by a constable in suits in which the sheriff is a party to, or interested in, said suit, so as to authorize the judge of the court in which any cause is pending to direct the sheriff of some adjoining county to serve any process or writ issued out of such court when

it is made to appear that there is likewise no qualified and acting constable in any justice precinct of the county in which such process or writ is to be executed, or each qualified and acting constable in said county is likewise a party to, or interested in, said suit.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 2024 of the Revised Civil Statutes of Texas of 1925 shall be, and the same is hereby amended so as to hereafter read as follows:

"Article 2024. If the sheriff of any county in which any process or writ is to be executed, is a party to, or interested in, the suit, the citation shall be addressed to any constable of his county; provided, however, that if there be no constable duly qualified and acting as such in any justice precinct in such county, or if there should be a constable, but he should be a party to, or interested in, said suit, or if there should not be any constable in such county who is not likewise so disqualified, the judge of the court in which said cause may be pending may enter an order in the cause directing that all process to be executed in said county shall be directed to the sheriff of some adjoining county, to be designated in said order, and thereupon the sheriff of said county so designated shall have full power and authority to execute any such process or writ and make due return thereof as in other cases. But in every such case a certified copy of such order shall be attached to all such process or writs."

Sec. 2. The fact that there is at least one county in Texas in which there is no acting constable, and in which the sheriff is a party to, or interested in, a suit now pending in court, and there is no provision of law authorizing the service of process in such suits, and that it is necessary in the administration of justice in the courts of this State, that provision shall be made for authorizing the judges of the county and district courts in this State to authorize the sheriff of an adjoining county to execute process or writs issued out of said courts in a cause pending therein where there is no

sheriff or constable in the county where the process is required to be executed who is not disqualified to execute the same, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect from and after its passage, and it is so enacted.

Committee Room,
Austin, Texas, May 6, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 52, A bill to be entitled "An Act creating an Advisory Civil Judicial Council for the continuous study and investigation of and report upon the civil judicial system of the State, its administration, procedure and functioning; gathering of civil judicial statistics and other data; devising of methods for the improvement of civil judicial administration and procedure; prescribing the personnel of such Council; prescribing its powers and duties; providing for the payment of the actual expenses of the Council and its members, including clerical assistance."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

WOODWARD, Chairman.

By Wirtz.

S. B. No. 52.

A BILL

To Be Entitled

An Act creating an advisory judicial council for the continuous study and investigation of and report upon the civil judicial system of the State, its administration, procedure and functioning; gathering of civil judicial statistics and other data; devising of methods for the improvement of civil judicial administration and procedure; prescribing the personal of such council; prescribing its powers and duties; providing for the payment of the actual expenses of the council and its members, including clerical assistance.

Be it enacted by the Legislature of the State of Texas:

Section 1. There is hereby created an advisory judicial council

for the continuous study of and report upon the organization, rules, procedure and practice of the civil judicial system of this State, the work accomplished and the results produced by that system and its various parts, and methods for its improvement.

Sec. 2. The Council shall be composed of two classes of members, one designated as ex officio, and the other as appointive.

Sec. 3. The ex officio members of the council shall consist of the Chief Justice of the Supreme Court; two Justices of the Courts of Civil Appeals, to be designated by the Governor; two presiding judges of the judicial administrative districts, to be designated by the Governor; and the Chairmen of the Senate and House Civil Judiciary Committees. The Chief Justice of the Supreme Court may designate some other Justice of that Court to act in his stead as a member of the council. It shall be optional with each official member of the council whether he will serve as such member. But where such official member accepts membership on the council he shall be entitled to all the privileges of full membership thereon and be regarded and treated in every respect as a full member thereof so long as he continues a member thereof. The term of membership of an official member shall be for the term of office that qualified him for membership; and vacancies in the official membership however created shall be filled as in the first instance.

Sec. 4. The appointive members of the council shall consist of seven lawyers, citizens of, and licensed to practice law under the laws of, this State; and two laymen, citizens of this State, one of whom shall be by profession a journalist. Two of the lawyer members shall be appointed by the Governor from a list of eight qualified lawyers designated by the State Bar Association in such manner as such Association may prescribe, and until otherwise prescribed by said Association, said list shall be selected by the governing board of said Association and certified to the Governor by the President and Secretary of the Association. The other appointive members of said Council shall be appointed by the Governor upon his own nomination. Three of

said appointive members shall be appointed to serve until July 1, 1931; three until July 1, 1933; and three until July 1, 1935; and thereafter their successors shall be appointed for terms of six years. Vacancies in the appointive membership of said council shall be filled as in the first instance for the unexpired term.

Five members of the council shall constitute a quorum for the transaction of any business of the council.

Sec. 5. It shall be the duty of the council:

1. To make a continuous study of the organization of the civil courts; the rules and methods of procedure and the practice of the civil judicial system of the State; of the work accomplished, the results attained and the uniformity of the discretionary powers of the civil courts, to the end that procedure may be simplified, business expedited and justice better administered.

2. To receive and consider suggestions from judges, public officers, members of the bar, and citizens, touching remedies for faults in the administration of civil justice.

3. To formulate methods for simplifying civil judicial procedure, expediting the transaction of civil judicial business, and correcting faults in the administration of civil justice.

4. To gather civil judicial statistics and other pertinent data from the several judges and other court officials of the State.

5. To make a complete detailed report, on or before December 1st of each year, to the Governor and to the Supreme Court, of all its proceedings, suggestions and recommendations, and such supplemental reports from time to time as the Council may deem advisable. All such reports shall be considered public reports and may be given to the press as soon as filed.

6. To make investigations and reports upon such matters, touching the administration of civil justice as may be referred to the Council by the Supreme Court or the Legislature.

7. To hold one meeting in each calendar year, and such other meetings as may be ordered by the Council or under its authority, and at such time and place as may be desig-

nated by it or under its authority; provided, that the first meeting of said Council shall be held prior to October 6, 1929, upon call of its president.

Sec. 6. The Council shall have power:

1. To hold public meetings, require the attendance of witnesses and the production of books and documents, require reports from the several civil courts of this State, including courts not of record, as may be deemed necessary, to administer oaths and take testimony.

2. To elect from its membership a president and such other officers as it may deem advisable; provided the secretary need not be a member of the Council; and provided further that the Governor shall designate the first president whose duty it shall be to call the first meeting of the Council and appoint such committees as he may deem necessary for the proper organization of the Council, and serve until the Council elects his successor.

3. To make such rules and regulations as it may deem expedient for its government and that of its officers and committees; and to prescribe the duties of its officers and committees.

4. To appoint committees from its membership, and charge such committees with such of its duties and delegate to such committees such of its powers as it may deem proper.

Sec. 7. No member of the Council shall receive any compensation for his services as such member, but shall be paid his actual traveling and other necessary expenses incurred in the discharge of his duties as such member to be paid upon verified, itemized account approved by the President of the Council. The necessary clerical expenses of the Council and its officers and committees shall be paid in like manner.

Sec. 8. If any section or portion of any section of this Act shall for any reason be declared invalid, such invalidity shall not affect any other section or portion or section of this Act.

Committee Room,
Austin, Texas, May 7, 1929.
Hon. Barry Miller, President of the
Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 56, A bill to be entitled "An Act authorizing the Banking Commissioner of Texas to refund to banks amounts of money due them as refunds by reason of such banks having converted or withdrawn from the Guaranty Fund System prior to the repeal of the Guaranty Fund Law, after carefully calculating and retaining the estimated amount of unliquidated, disputed or unsettled claims against the Fund or monies on hand out of which such refunds may be made; providing that the Banking Commissioner shall not be personally liable for making such refunds in accordance with this Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass but be not printed, except in the Journal.

RUSSEK, Chairman.

By Patton.

S. B. No. 56.

A BILL

To Be Entitled

An Act authorizing the Banking Commissioner of Texas to refund to banks amounts of money due them as refunds by reason of such banks having converted or withdrawn from the Guaranty Fund System prior to the repeal of the Guaranty Fund Law, after carefully calculating and retaining the estimated amount of unliquidated, disputed or unsettled claims against the Fund or monies on hand out of which such refunds may be made; providing that the Banking Commissioner shall not be personally liable for making such refunds in accordance with this Act, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Banking Commissioner of Texas is hereby authorized to refund to banks amounts due them as refunds by reason of such banks having converted or withdrawn from the Guaranty Fund System prior to the repeal of the Guaranty Fund Law, after carefully calculating and retaining the estimated amount of unliquidated, disputed or

unsettled claims against the Fund or monies on hand out of which such refunds may be made. Said Banking Commissioner shall be in no way personally liable for making such refunds in accordance with this Act.

Sec. 2. The fact that the Banking Commissioner has had some difficulty in determining whether refunds can be made to banks withdrawing from the Guaranty Fund System prior to the repeal of the Guaranty Fund Law on account of unsettled or disputed claims filed and pending in the courts; and the further fact that the Banking Commissioner is uncertain as to his powers and duties in the matter, and it is the purpose of this Act to provide a means by which refunds may be made without further delay except amounts in dispute or which are unsettled, the Banking Commissioner to retain enough to pay such undisputed and uncertain claims, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended and it is so enacted.

Senate Chamber,

May 3, 1929.

Hon. Barry Miller, Lieutenant Governor.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 58, have had same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

By Westbrook.

S. B. No. 58.

A BILL

To Be Entitled

An Act to amend Article 4310 of the Revised Civil Statutes of 1925, regulating the compensation of guardians, and declaring an emergency. Be it enacted by the Legislature of the State of Texas:

Section 1. Article 4310 of the Revised Civil Statutes of 1925 is hereby amended so as to hereafter read as follows:

Article 4310. The Guardian of the

estate shall not be entitled to or receive any fee or commission on the estate of the ward when first delivered to him; but shall be entitled to a fee of five (5%) per cent on the gross income of the ward's estate, five (5%) on all money paid out, and may be awarded further compensation for service as may be approved by the court. The term "money paid out" shall not be construed to include any money loaned or invested or paid over on the settlement of the guardianship.

Sec. 2. The fact that under our present laws the compensation that may be paid to guardians of estates is entirely insufficient for the services performed by such guardians creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

Committee Room.

Austin, Texas, May 3, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 59,

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal only.

WOODWARD, Chairman.

B. Westbrook. S. B. No. 59.

A BILL

To Be Entitled

An Act to amend Article 3689 of the Revised Civil Statutes of 1925, regulating the compensation of executors, administrators and testamentary trustees, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 3689 of the Revised Civil Statutes of 1925 is hereby amended so as to hereafter read as follows:

Article 3689. Executors, Administrators, and Testamentary Trustees, whose administrations are under the control of the court, when no compensation is provided by the will, or he or they renounce all claim thereto

shall be entitled to receive and may retain in their possession five (5%) per cent on all sums they may actually received in cash, and the same per cent on all sums they may pay out in cash, in the course of their administration, and may be awarded further compensation for services as may be approved by the court. If there be two or more Executors, Administrators or Trustees, the Court may apportion such compensation among them according to the services actually rendered by each.

Sec. 2. The fact that under our present laws the compensation that may be paid to Administrators, Executors and Trustees of estates is entirely insufficient for the services performed by such administrators, executors and trustees creates an emergency and an imperative public necessity that the Constitutional rule requiring bills to be read on three several days in each House be suspended and said rule is hereby suspended and this Act shall take effect and be in force from and after its passage and it is so enacted.

TENTH DAY.

Senate Chamber.

Austin, Texas,

Wednesday, May 8, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Miller.
Berkeley.	Moore.
Cousins.	Neal.
Cunningham.	Parrish.
DeBerry.	Patton.
Greer.	Pollard.
Hardin.	Stevenson.
Holbrook.	Thomason.
Hornsby.	Westbrook.
Hyer.	Williamson.
Love.	Wirtz.
Martin.	Witt.
McFarlane.	Woodul.

Absent—Excused.

Gainer.	Russek.
Parr.	Small.

Prayer by the Chaplain.

Pending the reading of the Jour-